

House Engrossed Senate Bill

**FILED**

**MICHELE REAGAN  
SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

**CHAPTER 160  
SENATE BILL 1134**

AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 2, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 32-1927.03; RELATING TO THE ARIZONA STATE BOARD OF  
PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 18, article 2, Arizona Revised  
3 Statutes, is amended by adding section 32-1927.03, to read:

4 32-1927.03. Persons required to be permitted; formal hearing;  
5 disciplinary action

6 A. A PERSON THAT RESIDES IN THIS STATE OR IN ANY OTHER JURISDICTION  
7 AND THAT SELLS A NARCOTIC OR OTHER CONTROLLED SUBSTANCE, A  
8 PRESCRIPTION-ONLY DRUG OR DEVICE, A NONPRESCRIPTION DRUG, A PRECURSOR  
9 CHEMICAL OR A RESTRICTED CHEMICAL WITHIN OR INTO THIS STATE SHALL HOLD A  
10 VALID BOARD-ISSUED PERMIT. IF THE PERSON DOES NOT HOLD A VALID  
11 BOARD-ISSUED PERMIT, THE PERSON IS SUBJECT TO DISCIPLINARY ACTION BY THE  
12 BOARD.

13 B. A PERSON THAT AFTER A FORMAL HEARING IS FOUND BY THE BOARD TO BE  
14 IN VIOLATION OF SUBSECTION A OF THIS SECTION MAY BE SUBJECT TO A CIVIL  
15 PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS FOR EACH VIOLATION OF THIS  
16 CHAPTER OR A RULE ADOPTED PURSUANT TO THIS CHAPTER.

17 C. THE BOARD MAY CHARGE THE COST OF A FORMAL HEARING TO THE PERSON  
18 THAT THE BOARD FINDS TO BE IN VIOLATION OF THIS CHAPTER OR A RULE ADOPTED  
19 PURSUANT TO THIS CHAPTER OR WHOSE EMPLOYEE THE BOARD FINDS TO BE IN  
20 VIOLATION OF THIS CHAPTER OR A RULE ADOPTED PURSUANT TO THIS CHAPTER.

21 D. THE BOARD ON ITS OWN MOTION OR IN RESPONSE TO A COMPLAINT MAY  
22 INSPECT OR INVESTIGATE, OR DELEGATE TO THE EXECUTIVE DIRECTOR THE  
23 AUTHORITY TO INSPECT OR INVESTIGATE, ANY EVIDENCE THAT APPEARS TO SHOW A  
24 PERSON IS OR MAY BE ACTING IN VIOLATION OF SUBSECTION A OF THIS SECTION.  
25 THE BOARD MAY:

26 1. SEND, OR DELEGATE TO THE EXECUTIVE DIRECTOR THE AUTHORITY TO  
27 SEND, A CEASE AND DESIST LETTER REGARDING THE PERSON'S UNAUTHORIZED  
28 BUSINESS IN THIS STATE.

29 2. REQUEST A CONFERENCE WITH THE PERSON IF THE BOARD BELIEVES THE  
30 INFORMATION IS OR MAY BE TRUE. IF THE PERSON REFUSES THE INVITATION OR  
31 FAILS TO APPEAR FOR THE CONFERENCE AND THE INVESTIGATION INDICATES THAT  
32 GROUNDS MAY EXIST FOR THE BOARD TO IMPOSE A CIVIL PENALTY, THE BOARD SHALL  
33 ISSUE A FORMAL NOTICE THAT A HEARING BE HELD PURSUANT TO TITLE 41, CHAPTER  
34 6, ARTICLE 10.

35 3. DISMISS THE COMPLAINT IF THE COMPLAINT IS WITHOUT MERIT.

**APPROVED BY THE GOVERNOR APRIL 17, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2017.**

Passed the House April 4, 20 17,

Passed the Senate February 14, 20 17,

by the following vote: 52 Ayes,

by the following vote: 25 Ayes,

6 Nays, 2 Not Voting

5 Nays, 0 Not Voting

Phil R. Boyce Jr.  
Speaker of the House  
*Pro Tempore*

Steve B. Yarbrough  
President of the Senate

Joan Drake  
Chief Clerk of the House

Susan Acker  
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary to the Governor~~

~~Approved this \_\_\_\_\_ day of~~

~~\_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Governor of Arizona~~

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary of State~~

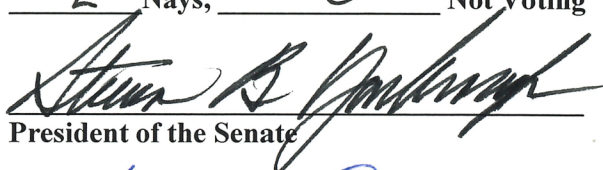
S.B. 1134

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 11, 2017

by the following vote: 28 Ayes,

2 Nays, 0 Not Voting

  
President of the Senate

  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

11<sup>th</sup> day of April, 2017

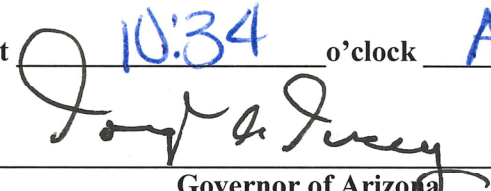
at 2:27 o'clock P. M.

  
Secretary to the Governor

Approved this 17 day of

April 2017

at 10:34 o'clock A. M.

  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 17 day of April, 2017

at 3:31 o'clock P. M.

  
Secretary of State

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